

STAYED, TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02142-CRC**

AMERICAN IMMIGRATION COUNCIL et al v. UNITED STATES DEPARTMENT OF HOMELAND SECURITY et al
Assigned to: Judge Christopher R. Cooper
Cause: 05:552 Freedom of Information Act

Date Filed: 10/17/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN IMMIGRATION
COUNCIL**

represented by **Alexander K. Mircheff**
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Plaintiff

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COALITION**

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Matt Adams
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Justin Epner
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Plaintiff

**NORTHWEST IMMIGRANT
RIGHTS PROJECT**

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Plaintiff

ONEAMERICA

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Plaintiff

**MICHIGAN ORGANIZING
PROJECT**

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Betty X. Yang
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Plaintiff**MIGRANT JUSTICE**

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V.

Defendant**UNITED STATES DEPARTMENT
OF HOMELAND SECURITY**

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Defendant**UNITED STATES CUSTOMS AND
BORDER PROTECTION**

represented by **Benton Gregory Peterson**
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Date Filed	#	Docket Text
10/17/2017	<u>1</u>	COMPLAINT against UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Filing fee \$ 400 receipt number 0090-5163300) filed by Migrant Justice, OneAmerica, AMERICAN IMMIGRATION COUNCIL, Northwest Immigrant Rights Project, NEW YORK IMMIGRATION COALITION, Michigan Organizing Project. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons to U.S. Dept. of Homeland Security, # <u>3</u> Summons to U.S. Dept. of Homeland Security via U.S. Attorney for D.D.C., # <u>4</u> Summons to U.S. Dept. of Homeland Security via U.S. Attorney General, # <u>5</u> Summons to U.S. Customs and Border Protection, # <u>6</u> Summons to U.S. Customs

		and Border Protection via U.S. Attorney for D.D.C., # <u>7</u> Summons to U.S. Customs and Border Protection via U.S. Attorney General)(Crow, Melissa) (Entered: 10/17/2017)
10/17/2017	<u>2</u>	LARGE ADDITIONAL ATTACHMENT(S) <i>Exhibits to Complaint (Exhibit A)</i> by AMERICAN IMMIGRATION COUNCIL, Michigan Organizing Project, Migrant Justice, NEW YORK IMMIGRATION COALITION, Northwest Immigrant Rights Project, OneAmerica <u>1</u> Complaint,,, filed by Northwest Immigrant Rights Project, Michigan Organizing Project, Migrant Justice, NEW YORK IMMIGRATION COALITION, OneAmerica, AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Exhibit B, # <u>2</u> Exhibit C, # <u>3</u> Exhibit D, # <u>4</u> Exhibit E, # <u>5</u> Exhibit F, # <u>6</u> Exhibit G, # <u>7</u> Exhibit H, # <u>8</u> Exhibit I, # <u>9</u> Exhibit J, # <u>10</u> Exhibit K, # <u>11</u> Exhibit L, # <u>12</u> Exhibit M, # <u>13</u> Exhibit N, # <u>14</u> Exhibit O, # <u>15</u> Exhibit P, # <u>16</u> Exhibit Q, # <u>17</u> Exhibit R, # <u>18</u> Exhibit S, # <u>19</u> Exhibit T, # <u>20</u> Exhibit U, # <u>21</u> Exhibit V, # <u>22</u> Exhibit W, # <u>23</u> Exhibit X, # <u>24</u> Exhibit Y, # <u>25</u> Exhibit Z, # <u>26</u> Exhibit AA, # <u>27</u> Exhibit AB)(Crow, Melissa) (Entered: 10/17/2017)
10/17/2017		Case Assigned to Judge Christopher R. Cooper. (sth) (Entered: 10/18/2017)
10/18/2017	<u>3</u>	SUMMONS (4) Issued Electronically as to UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(sth) (Entered: 10/18/2017)
10/30/2017	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Alexander K. Mircheff, :Firm– Gibson, Dunn & Crutcher LLP, :Address– 333 South Grand Ave., Los Angeles, CA 90071. Phone No. – 213–229–7307. Fax No. – 213–229–3197 Filing fee \$ 100, receipt number 0090–5181389. Fee Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL, MICHIGAN ORGANIZING PROJECT, MIGRANT JUSTICE, NEW YORK IMMIGRATION COALITION, NORTHWEST IMMIGRANT RIGHTS PROJECT, ONEAMERICA (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Yang, Betty) (Entered: 10/30/2017)
10/30/2017	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Matt Adams, :Firm– Northwest Immigrant Rights Project, :Address– 615 Second Ave., Suite 400, Seattle, WA 98104. Phone No. – 206–957–8611. Fax No. – 206–587–4025 Filing fee \$ 100, receipt number 0090–5181544. Fee Status: Fee Paid. by NORTHWEST IMMIGRANT RIGHTS PROJECT (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Yang, Betty) (Entered: 10/30/2017)
10/30/2017	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Trina Realmuto, :Firm– American Immigration Council, :Address– 100 Summer Street, 23rd Floor, Boston, MA 02110. Phone No. – 857–305–3600. Filing fee \$ 100, receipt number 0090–5181560. Fee Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Yang, Betty) (Entered: 10/30/2017)
10/30/2017	<u>7</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Kristin Macleod–Ball, :Firm– American Immigration Council, :Address– 100 Summer Street, 23rd Floor, Boston, MA 02110. Phone No. – 857–305–3722. Filing fee \$ 100, receipt number 0090–5181573. Fee Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Yang, Betty) (Entered: 10/30/2017)
10/30/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/23/2017. Answer due for ALL FEDERAL DEFENDANTS by 11/22/2017. (Yang, Betty) (Entered: 10/30/2017)
10/30/2017	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/20/2017. (Yang, Betty) Modified date of service on 10/31/2017 (znmw). (Entered: 10/30/2017)
10/30/2017		MINUTE ORDER: It is hereby ORDERED that <u>4</u> , <u>5</u> , <u>6</u> , and <u>7</u> Motions for Leave to Appear Pro Hac Vice are GRANTED. Attorneys Alexander K. Mircheff, Matt Adams, Trina Realmuto, and Kristin Macleod–Ball are hereby admitted pro hac vice to the U.S. District Court for the District of Columbia for this case. Signed by Judge Christopher R. Cooper on 10/30/2017. (lccrc1) (Entered: 10/30/2017)

10/31/2017		NOTICE OF ERROR re <u>7</u> Motion for Leave to Appear Pro Hac Vice; emailed to byang@gibsondunn.com, cc'd 3 associated attorneys -- The PDF file you docketed contained errors: 1. Document incomplete/illegible, 2. Exhibit A will not open; Error received; Please refile a corrected Exhibit A as an attachment to an Errata. (znmw,) (Entered: 10/31/2017)
10/31/2017	<u>10</u>	ERRATA <i>Corrected Exhibit A</i> by AMERICAN IMMIGRATION COUNCIL <u>7</u> MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Kristin Macleod-Ball, :Firm- American Immigration Council, :Address- 100 Summer Street, 23rd Floor, Boston, MA 02110. Phone No. - 857-305-3722. Filing fee \$ 100, receipt num filed by AMERICAN IMMIGRATION COUNCIL. (Yang, Betty) (Entered: 10/31/2017)
11/13/2017	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES CUSTOMS AND BORDER PROTECTION served on 10/23/2017 (Yang, Betty) (Entered: 11/13/2017)
11/13/2017	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 10/21/2017 (Yang, Betty) (Entered: 11/13/2017)
11/14/2017	<u>13</u>	NOTICE of Appearance by Trina Ann Realmuto on behalf of AMERICAN IMMIGRATION COUNCIL (Realmuto, Trina) (Entered: 11/14/2017)
11/21/2017	<u>14</u>	ANSWER to Complaint by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY.(Peterson, Benton) (Entered: 11/21/2017)
12/06/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall promptly confer and file a joint proposed schedule for briefing or disclosure by December 21, 2017. Signed by Judge Christopher R. Cooper on 12/6/2017. (lccrc1) (Entered: 12/06/2017)
12/07/2017		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 12/21/2017 (lsj) (Entered: 12/07/2017)
12/20/2017	<u>15</u>	PROPOSED BRIEFING SCHEDULE (<i>JOINT</i>) by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Peterson, Benton) (Entered: 12/20/2017)
12/22/2017		MINUTE ORDER adopting the parties' <u>15</u> Joint Proposed Schedule: Defendant's motion for summary judgment is due April 4, 2018; Plaintiff's opposition and cross-motion is due May 4, 2018; Defendant's reply and opposition is due May 18, 2018; Plaintiff's reply is due May 25, 2018. Signed by Judge Christopher R. Cooper on 12/22/2017. (lccrc1) (Entered: 12/22/2017)
12/22/2017		Set/Reset Deadlines: Summary Judgment motions due by 4/4/2018. Response to Motion for Summary Judgment due by 5/4/2018. Reply to Motion for Summary Judgment due by 5/18/2018. Replies due by 5/25/2018. (lsj) (Entered: 12/22/2017)
02/07/2018	<u>16</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN IMMIGRATION COUNCIL, MICHIGAN ORGANIZING PROJECT, MIGRANT JUSTICE, NEW YORK IMMIGRATION COALITION, NORTHWEST IMMIGRANT RIGHTS PROJECT, ONEAMERICA. Attorney Melissa E. Crow terminated. (Crow, Melissa) (Entered: 02/07/2018)
04/03/2018	<u>17</u>	Unopposed MOTION for Extension of Time to File by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Peterson, Benton) (Entered: 04/03/2018)
04/24/2018	<u>18</u>	MOTION to Stay <i>Briefing Schedule</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Peterson, Benton) (Entered: 04/24/2018)
04/26/2018		MINUTE ORDER: Plaintiffs are ORDERED to file any response to <u>18</u> Defendants' Motion for Temporary Stay of Briefing Schedule by May 3, 2018. The Court hereby STAYS the briefing schedule in this case until that motion is resolved. Signed by Judge Christopher R. Cooper on 4/26/2018. (lccrc1) (Entered: 04/26/2018)

04/26/2018		Set/Reset Deadlines: Responses due by 5/3/2018 (lsj) (Entered: 04/26/2018)
05/03/2018	<u>19</u>	NOTICE of Appearance by Justin Epner on behalf of All Plaintiffs (Epner, Justin) (Entered: 05/03/2018)
05/03/2018	<u>20</u>	Memorandum in opposition to re <u>18</u> MOTION to Stay <i>Briefing Schedule</i> filed by AMERICAN IMMIGRATION COUNCIL, MICHIGAN ORGANIZING PROJECT, MIGRANT JUSTICE, NEW YORK IMMIGRATION COALITION, NORTHWEST IMMIGRANT RIGHTS PROJECT, ONEAMERICA. (Attachments: # <u>1</u> Declaration Declaration of Trina Realmuto, # <u>2</u> Exhibit Realmuto Decl. Exhibit A, # <u>3</u> Exhibit Realmuto Decl. Exhibit B, # <u>4</u> Exhibit Realmuto Decl. Exhibit C, # <u>5</u> Exhibit Realmuto Decl. Exhibit D, # <u>6</u> Exhibit Realmuto Decl. Exhibit E, # <u>7</u> Exhibit Realmuto Decl. Exhibit F, # <u>8</u> Exhibit Realmuto Decl. Exhibit G)(Epner, Justin) (Entered: 05/03/2018)
06/14/2018		MINUTE ORDER: It is ORDERED that a hearing is set for June 25, 2018 at 2:00 PM in Courtroom 27A to address <u>18</u> Defendants' motion to stay the briefing schedule. At the hearing, Defendants should be prepared to discuss the nature of the search deficiency described in their motion; to address the current status of record production; and to provide a concrete estimate of their production schedule. Signed by Judge Christopher R. Cooper on 6/14/2018. (lccrc1) (Entered: 06/14/2018)
06/14/2018		Set/Reset Hearings: Motion Hearing set for 6/25/2018 at 2:00 PM in Courtroom 15 before Judge Christopher R. Cooper. (lsj) (Entered: 06/14/2018)
06/25/2018		Minute Entry for proceedings held before Judge Christopher R. Cooper: Motion Hearing held on 6/25/2018 re <u>18</u> MOTION to Stay <i>Briefing Schedule</i> filed by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. Oral arguments heard and motion taken under advisement. Order forthcoming. (Court Reporter Lisa Moreira) (nbn) (Entered: 06/25/2018)
06/28/2018		MINUTE ORDER: The parties are ORDERED to meet and confer regarding the status of Plaintiffs' 2017 FOIA request. By July 31, 2018, the parties shall file a joint status report proposing a schedule for search and production and, if necessary, explaining any remaining disputes. Signed by Judge Christopher R. Cooper on 6/28/2018. (lccrc1) (Entered: 06/28/2018)
06/28/2018		Set/Reset Deadlines: Joint Status Report due by 7/31/2018 (lsj) (Entered: 06/28/2018)
07/02/2018	<u>21</u>	<p>TRANSCRIPT OF MOTION HEARING before Judge Christopher R. Cooper held on June 25, 2018; Page Numbers: 1–22. Date of Issuance:July 2, 2018. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354–3187, Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 7/23/2018. Redacted Transcript Deadline set for 8/2/2018. Release of Transcript Restriction set for 9/30/2018.(Moreira, Lisa) (Entered: 07/02/2018)</p>
07/31/2018	<u>22</u>	Joint MOTION for Extension of Time to File <i>Joint Status Report</i> by AMERICAN IMMIGRATION COUNCIL, MICHIGAN ORGANIZING PROJECT, MIGRANT JUSTICE, NEW YORK IMMIGRATION COALITION, NORTHWEST IMMIGRANT RIGHTS PROJECT, ONEAMERICA (Attachments: # <u>1</u> Text of Proposed Order Text of Proposed Order)(Epner, Justin) (Entered: 07/31/2018)

08/03/2018		MINUTE ORDER granting <u>22</u> Joint Motion for Extension of Time to File Status Report. The parties shall file a joint status report by August 10, 2018. (The July 31, 2018 deadline set by minute order on June 28, 2018 is VACATED.) Signed by Judge Christopher R. Cooper on 8/3/2018. (lccrc1) (Entered: 08/03/2018)
08/06/2018		Set/Reset Deadlines: Joint Status Report due by 8/10/2018 (lsj) (Entered: 08/06/2018)
08/10/2018	<u>23</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL, MICHIGAN ORGANIZING PROJECT, MIGRANT JUSTICE, NEW YORK IMMIGRATION COALITION, NORTHWEST IMMIGRANT RIGHTS PROJECT, ONEAMERICA. (Epner, Justin) (Entered: 08/10/2018)
08/30/2018		MINUTE ORDER: The parties are to appear telephonically for a Telephone Conference set for 9/6/2018 at 2:00 PM before Judge Christopher R. Cooper. Signed by Judge Christopher R. Cooper on 8/30/18. (lsj) (Entered: 08/30/2018)
09/06/2018		Minute Entry for Telephone Conference held before Judge Christopher R. Cooper on 9/6/2018. Forthcoming Order. (Court Reporter: Lisa Moreira) (lsj) (Entered: 09/06/2018)
09/06/2018		MINUTE ORDER: The Court hereby ORDERS as follows in light of today's telephonic status conference: Plaintiffs shall by September 7, 2018 provide the government with instructions to be given to the Border Patrol Sectors and Stations identified in paragraphs 1(b)(ii) and (iii) of plaintiffs' proposed search and production schedule. Defendants shall promptly thereafter forward the relevant part of plaintiffs' FOIA request and the instructions provided by plaintiffs to appropriate personnel at each of those field offices and request that they identify in good faith, by September 14, 2018, one person in each office who is most likely to have responsive emails. Defendants shall then, by September 28, 2018, conduct an electronic search of emails belonging to the designated individuals as well as the Sector Chiefs identified in paragraph 1(b)(i) of plaintiffs' proposal. The search shall be performed based on the search criteria set forth in paragraph 1(a) of plaintiffs' proposal. The parties shall then meet and confer and, by October 5, 2018, file a joint status report summarizing the results of the searches and proposing a schedule (or competing schedules) for the review and production of responsive materials. The Court declines to order production of field office organization charts at this time. With respect to the 499 documents that are responsive to subparts 1–4 of plaintiffs' FOIA request, the government shall produce those documents on a rolling basis at the end of each month with production to be completed by November 30, 2018. SO ORDERED. Signed by Judge Christopher R. Cooper on 09/06/18. (lccrc1) (Entered: 09/06/2018)
09/07/2018		Set/Reset Deadlines: Joint Status Report due by 10/5/2018 (lsj) (Entered: 09/07/2018)
10/05/2018	<u>24</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Peterson, Benton) (Entered: 10/05/2018)
10/11/2018		MINUTE ORDER: The parties shall appear for a telephonic status conference on October 17, 2018, at 3:00 PM. In the meantime, the Court encourages the parties to work together to reduce the estimated 54,000 pages of documents (excluding job applications and resumes) returned by the electronic search. The parties shall file a brief report on the progress of any discussions in advance of the call. Signed by Judge Christopher R. Cooper on 10/11/2018. (lccrc1) (Entered: 10/11/2018)
10/11/2018		Set/Reset Hearings: Telephone Conference set for 10/17/2018 at 3:00 PM in Chambers before Judge Christopher R. Cooper. (hmc) (Entered: 10/11/2018)
10/16/2018	<u>25</u>	Joint STATUS REPORT (<i>Further</i>) by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Peterson, Benton) (Entered: 10/16/2018)
10/16/2018		MINUTE ORDER: Upon consideration of the parties' <u>25</u> further joint status report, it is hereby ORDERED that the telephone conference set for October 17, 2018 at 3:00 PM is hereby vacated. The parties are directed to file a further joint status report on or before November 9, 2018. Signed by Judge Christopher R. Cooper on 10/16/2018. (lccrc1) (Entered: 10/16/2018)

11/08/2018	<u>26</u>	Joint STATUS REPORT <i>of the Parties</i> by AMERICAN IMMIGRATION COUNCIL, MICHIGAN ORGANIZING PROJECT, MIGRANT JUSTICE, NEW YORK IMMIGRATION COALITION, NORTHWEST IMMIGRANT RIGHTS PROJECT, ONEAMERICA. (Yang, Betty) (Entered: 11/08/2018)
11/09/2018		MINUTE ORDER: Upon consideration of the parties' <u>26</u> Joint Status Report, it is hereby ORDERED that the parties shall file a proposed briefing schedule on or before January 7, 2019. Signed by Judge Christopher R. Cooper on 11/9/2018. (lccrc1) (Entered: 11/09/2018)
11/09/2018		Set/Reset Deadlines: Proposed Briefing Schedule due by 1/7/2019 (lsj) (Entered: 11/09/2018)
12/21/2018	<u>27</u>	NOTICE of Change of Address by Trina Ann Realmuto (Realmuto, Trina) (Entered: 12/21/2018)
12/28/2018	<u>28</u>	NOTICE of Change of Address by Kristin Macleod–Ball (Macleod–Ball, Kristin) (Entered: 12/28/2018)
01/07/2019	<u>29</u>	Consent MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/07/2019)
01/07/2019		MINUTE ORDER granting <u>29</u> Consent Motion to Stay. Defendants shall file a status report within 7 days of necessary funding being renewed. Signed by Judge Christopher R. Cooper on 1/7/2019. (lccrc1) (Entered: 01/07/2019)